

**MADISON COUNTY PLANNING BOARD  
MEETING MINUTES  
APRIL 24, 2006**

**BOARD MEMBERS PRESENT:** Lane Adamson, Pat Bradley, Dorothy Davis, John Lounsbury, Dave Maddison, Bill Olson, Eileen Pearce, Ed Ruppel, Laurie Schmidt and Ann Schwend.

**BOARD MEMBERS ABSENT:** MaryLou Freese.

**OTHERS PRESENT:** Emergency Management Director Frank Ford, Chris Eaton, Bruce Combs, Jessi Fanelli, Kevin Germain, Chris Leonard, Ron Slade, Commissioner Ted Coffman, Craig Kenworthy, Jim Hart, Chris Murphy, Tony McCue, Mark Petroni, County Planner Doris Fischer, and Planner I Staci Beecher.

**President Bill Olson called the meeting to order at 7:00 p.m.**

**MOTION: To approve the minutes of the March 27, 2006 meeting.**

**Moved by:** John Lounsbury. **Seconded by:** Ed Ruppel. **All voted aye.**

**President's Comments:** President Olson announced that Planning Board Secretary, Marilee Foreman-Tucker, is currently in Denver with her partner Bob Gabler, who has a serious medical condition. All Planning Board members signed a card for Marilee and Bob.

Pat Bradley asked President Olson if the Board could discuss the elimination of pre-application meetings with the Planning Board. President Olson agreed to discuss this under the agenda item Old Business/Other.

**Public Comment:** None

**CONTINUED REVIEW OF OVERALL DEVELOPMENT PLAN FOR MOONLIGHT BASIN RANCH (MBR), BIG SKY (Moonlight Basin Ranch, owner of unplatted lands)**

Doris Fischer updated the Board members and others about new Moonlight Basin Ranch documents, reports, and additional information since the March 27<sup>th</sup> Planning Board Meeting. Moonlight provided a wildlife assessment prepared by Tom Olenicki, Emergency Services Plan prepared by Doug Forsman, and updated Constraints Composite maps and site plan prepared by Bechtel/Slade Architecture. Other correspondence received were a detailed email from Tom Olenicki about the wildlife monitoring program, a letter from Emergency Services Director, Frank Ford addressing the Emergency Service Plan, and a letter from MBR owner Lee Poole stating his intent to never exceed the proposed 695 units. Doris mentioned that the Overall Development Plan includes approximately 8,000 acres. She acknowledged that previous developments including, Saddle Ridge Townhomes, Diamond Hitch, and Cowboy Heaven Phases 1-4, have been approved for about 540 units. The Overall Development Plan proposes to add approximately 695 residential/commercial units, plus about 21 reserve ranch tracts. The total number of units located on MBR property would be about 1,260 fee ownership units.

Doris mentioned that the composite maps illustrating the development pods had undergone some modifications, mainly to help mitigate wildlife concerns. She alluded to some of the negative impacts associated with the development and also addressed some of the mitigating factors MBR has proposed. As determined by the staff report, the negative impacts include: loss of wildlife habitat and connectivity, increased animal/human conflicts, increased fire risks, increased demands on local services, increased traffic, housing shortages for workers, excessive use of adjoining wildlife areas, and unintended disturbances of cultural/historic resources. Some of the mitigating steps Moonlight Basin Ranch is committed to include: the hiring of a Wildlife Conservation Officer, 50 units of affordable housing, establishing a wildlife monitoring program, developing trails in conjunction with Fish, Wildlife, and Parks, annexation into the Gallatin Canyon Consolidated Rural Fire District (GCCRFD), avalanche control, water quality monitoring, further geotechnical analysis, and commitment to historical/cultural resource preservation. The proposed development will have very positive economic benefits to the Big Sky area and the county. Doris stated that the staff recommendation was to approve the project with ten conditions.

Kevin Germain, MBR representative, and Ron Slade of Bechtel/Slade Architecture were invited to comment on the project. Germain referenced the completion of the emergency services plan, the wildlife assessment, and the site plan. He briefly noted some of the development pod adjustments based on earlier Planning Board concerns and recommendations. Slade displayed a new composite map overlaying the development pods on the constraints. He pointed out that several changes in development pods had been made to better accommodate wildlife. Slade

explained that the darker colored areas on the composite constraints map represented those with the most constraints. Development density lessens in the western portion of the property to help protect sensitive areas.

Tom Olenicki, a wildlife expert, explained the wildlife composite maps. According to Olenicki, the maps illustrated habitat areas of three focal species including grizzly bears, elk and wolverine. He developed the high quality, quality, and non-habitat areas for the elk and grizzly based primarily on the vegetation type. The wolverine habitat information was provided by Bob Inman of the Wildlife Conservation Society. Olenicki stated that the development pods were designed to be clustered around the worst quality habitat areas for these wildlife species. The redesign of development pods helped create a 2,000 ft. wildlife corridor to help maintain connectivity and allow for movement. The goal in planning the development is to allow for wildlife movement around the golf course area. Olenicki became involved with the project to try and help minimize wildlife impacts and learn from the monitoring program. He stated that a county-wide conservation/wildlife overlay may be very helpful when looking at proposed developments. Extra sensitive areas should require a more thorough review.

#### **Comments/Questions from the Planning Board and Others For Tom Olenicki (and Tony McCue):**

- How is the best/worst habitat for wildlife defined?  
It is based on vegetation, vegetation maps, slopes, and elevation. Also, existing human impacts, such as roads and structures, are considered.
- Do you know where wolverine dens are located?  
Olenicki deferred to Tony McCue, Wildlife Conservation Society Biologist on this question. McCue stated that the movement of six wolverines has been tracked, but the den sites are currently unknown. Wolverines cross the area frequently.
- What are some mitigating factors for wildlife?  
Trail and road systems will be next to each other. Visual impacts will be mitigated by using trees as barriers. Monitoring, remote cameras, and tracking will also help.
- Is there critical wildlife habitat around the golf course area? What is the elevation of this area?  
The elevation is about 7,500-8,000 ft. The worst case would be some elk calving on the golf course area, but that is unlikely. It may be used more in the fall by elk due to the green vegetation. Craig Jourdonnais of FWP concurred elk were not likely to calve at the high elevation.
- As monitoring takes place, what will happen if there are unforeseen impacts?  
Most of the impacts will occur during the construction phase. Some pods may need to be reshaped and densities reduced. The impacts depend on the time of year and the species.
- Are 695 units above the threshold for development on the land?  
Unknown. The monitoring program will give us more information. The goal is to maintain the best habitat. We will not know the full impacts until years after the project.
- If it were up to you, would you put 22 development pods and 695 units in this area?  
If I could go back in time, I would protect this area from development and put it into a nature conservancy. I would like to see this area in its natural state.
- How will grizzly bear/human conflicts be managed?  
A bear trap will be onsite. Also, the wildlife officer will help with this.
- What about elk hunting?  
A limited amount of archery elk hunting would be beneficial.
- Do you have any suggestions about timing construction seasonally?  
None at this time.
- Sometimes we do not make good decisions for financial motives.
- There are more elk, antelope, and deer now than when I was growing up. We have done a lot of things to help improve the wildlife habitat.
- Studies of impact will show important information about development in sensitive areas.
- Do you plan on publishing any of the wildlife monitoring information?  
Yes. We need to consult with FWP to work out all aspects of the monitoring program. The monitoring will start this spring.
- This is a unique area located between two wildlife areas.
- The logging on this property in the 1980's helped the problem of beetle killed trees.

#### **Public Comment on Moonlight Basin Ranch (MBR) Overall Development Plan:**

- Bruce Combs, an adjacent landowner, expressed his support for the project and encouraged the Planning Board to approve the project.

- Craig Kenworthy of the Greater Yellowstone Coalition stressed the importance of a regular wildlife monitoring program and report. He stated that Moonlight Basin Ranch should come back on an annual basis, or at a certain build-out level to address wildlife impacts. The density levels are directly linked to the amount of wildlife disturbance in an area. Kenworthy applauded the hiring of a MBR Wildlife Conservation Officer.
- Mark Petroni, of the U.S. Forest Service (USFS), stated concerns about the potential for overuse and overcrowding of the adjacent Forest Service land with the increased development. The increased use may prompt the need for a permitting system to limit the number of people in the area. Wildlife may be impacted in the Greater Yellowstone area due to this project, not just along Jack Creek. In regards to fire protection, the USFS has a cooperative agreement with the State of Montana to provide wildfire protection to the Moonlight area. Due to the increased number of structures and human risk, MBR should work cooperatively with the USFS to provide equipment to help with fire protection.
- Tony McCue, Wildlife Conservation Society (WCS) Biologist, commented on wolverine impacts. He would like more time to study the development pod modifications and assess if wolverine impacts have been considered. At this time, the WCS is standing behind the original letter written by Bob Inman in March, recommending that the development be shifted to the east. He also expressed concern about needing blocks of open space to allow wildlife movements. The WCS is committed to working with Tom Olenicki and MBR to further assess wildlife issues posed by the project.

#### **Board Discussion on Moonlight Basin Ranch (MBR) Overall Development Plan:**

Pat Bradley asked Director of Emergency Services Frank Ford, to address the Emergency Services Plan provided by Doug Forsman. Ford commented that he has been working cooperatively with Kevin Germain, Doug Forsman, and the Madison/Gallatin County Law Enforcement on the plan. He stated that the projected increase in law enforcement was rather low. Also, further analysis on fire protection is needed. Overall, the plan sufficiently addressed questions raised by the county.

**MOTION: To approve the Moonlight Basin Ranch Overall Development Plan with the conditions listed in the Staff Report.**

**Moved by:** Dave Maddison. **Seconded by:** None. **Motion Dies.**

Laurie Schmidt wondered about the timing of wildlife reporting. After discussion, it was determined that annual wildlife assessment reports should be given by MBR and included in Condition # 5. Ann Schwend mentioned that she would like to see an advisory board with USFS and FWP participation assembled to help plan the trail system. After discussion, a new condition # 11 was proposed to include the USFS and FWP in the trails planning and wilderness use. Commissioner Ted Coffman suggested adding the DNRC to the first condition of approval.

**MOTION: To approve the Moonlight Basin Ranch Overall Development Plan with the amended conditions described above, and all other conditions listed in the Staff Report.**

**Moved by:** Dave Maddison. **Seconded by:** Laurie Schmidt. **All voted aye.**

#### **PLANNING BOARD RECOMMENDATION**

The Planning Board has reviewed the Moonlight Basin Ranch Overall Development Plan proposal and supplemental information, discussed the proposed ODP at three regular public meetings and two on-site field trips, and considered the February 21, 2006 and April 18, 2006 staff reports. Assuming the ODP contains the above list of Moonlight's commitments as well as all other commitments made in its original February 2006 proposal and subsequent correspondence, the Planning Board recommends approval of the ODP with the following conditions:

1. The fuels management plan to be developed by MBR in cooperation with the GCCRFD, the MT DNRC, and the Forest Service must be expanded to include a wildland fire protection plan. The Forest Service must verify that it can provide wildland fire protection to the area covered by the ODP. To obtain this verification, MBR may have to help offset USFS costs.
2. MBR must annex its property into the GCCRFD (This may be done with each subdivision phase, as infrastructure is installed); or, MBR must provide an equivalent arrangement for structural fire protection and emergency medical service. The determination of equivalency will be made by the Madison County Office of Emergency Management and Madison County Commissioners.
3. The State Historical Society must verify that it no longer recommends a cultural resources inventory of the properties that would undergo subdivision. Otherwise, a cultural resources inventory must be conducted

(This may be done with each subdivision phase), and the recommendations of the cultural resources specialist must be followed.

4. MBR must develop and implement a shuttle/carpooling policy for its employees and contractors using Jack Creek Road.
5. The long-term wildlife monitoring program shall be designed and begin as soon as possible, so that baseline data can be collected/verified prior to major construction-related disturbances. The developer shall make an annual report to the Planning Board.
6. Wetlands delineation and geotechnical analysis (including macro stability analysis) shall be included with each preliminary plat application. Geotechnical analysis shall cover not only the development pods, but also the roadway system needed to serve the subdivision areas.
7. MBR will avoid and prohibit ridgetop development that would create either a disturbance to wildlife or a negative visual impact from public roadway or public lands.
8. MBR will ensure that an adequate water supply for firefighting is available prior to any construction (this may take the form of on-site water tanks if the community water system is not fully operational at the time construction begins).
9. MBR may be required, in future subdivision phases, to provide a greater commitment to worker housing, than what is outlined in the ODP.
10. The ODP is approved for a maximum cap of 695 new residential/commercial units (plus 152 units in Phase 4, Cowboy Heaven), with the understanding that specific development pods may be eliminated, added, intensified, reduced in density, or relocated (by either MBR initiative or County requirement), as individual subdivision phases proceed and additional information becomes available.
11. The developer shall work with the Forest Service and Montana Department of Fish, Wildlife and Parks on trails planning and wilderness use.

#### Additional Notes:

- MBR is encouraged to further minimize the potential for human/animal conflicts and maximize the opportunity for wildlife connectivity by more heavily clustering its development, removing development pods from high-quality wildlife habitat, and adding density to locations with low-quality wildlife habitat.
- At any subdivision phase, Moonlight may be required to provide all or part of an updated environmental assessment, in accordance with the Madison County Subdivision Regulations, p. 9. This is consistent with Olenicki's call for a wildlife monitoring program, and it is also a responsible approach to ensuring that issues such as worker housing supply, traffic conditions, and emergency services infrastructure are adequately addressed as the project "builds out".
- Madison and Gallatin Counties should take the lead in getting the major Big Sky developers to work with the Montana Department of Transportation on a schedule and financing plan for MT 64 improvements. These improvements should occur in a timely manner. At some point, it may become necessary for Madison County, in response to public safety concerns, to deny subdivision applications in Big Sky until such improvements have been made.

## **OLD BUSINESS**

### **Development Impact Fees**

Commissioner Coffman informed the Planning Board of the County Commission decision to fund the Development Impact Fee feasibility study in the amount of approximately \$9,800. County Grant Writer, Julie Dewey, will search for grant funding opportunities if a larger impact fee analysis is required.

### **Madison Growth Solutions**

Lane Adamson informed the Board of the next Madison Growth Solutions forum scheduled for April 27, 2006 at the Ennis Firehall. The forum will be the initial step in drafting an action plan for the Madison Valley. Lane mentioned that several Planning Board and Planning Staff members would be acting as facilitators for small groups at the forum.

### **Housing Plan/Growth Policy Update Process**

Doris and Staci made a power point presentation to the Board. This presentation will be used as part of the Growth Policy update process. It illustrated growth and changes in the County and described the progress in implementing the County Comprehensive Plan. The Growth Policy Public Meetings are scheduled for May 17<sup>th</sup> in Sheridan, May 24<sup>th</sup> in Twin Bridges and tentatively late in June in Big Sky.

## OLD BUSINESS

Pat Bradley requested Board discussion on the elimination of pre-applications from the agenda and felt the Board should vote on the issue. Laurie Schmidt expressed her support for including pre-applications on the agenda for both the benefit of the public and the Board. John Lounsbury also concurred that the public should be aware of proposed projects at the pre-application stage. Ann Schwend also expressed her support for including the pre-applications on the agenda, but having developer attendance optional. Including the pre-applications on the agenda would give the Board the opportunity for discussion. Also, Doris mentioned that the state law reserves the right of a developer to have a pre-application meeting with the Planning Board if it is requested in writing.

Dave Maddison and President Olson expressed concern over the length of Planning Board meetings and felt that the Board should try to make the best use of time.

**MOTION: To include pre-applications on the Planning Board agenda with subdividers given the option of attending the meeting. Moved by:** Ann Schwend. **Seconded by:** Pat Bradley. **All voted aye.**

## NEW BUSINESS

### Does the Board Want to Change Its Start Time to 6:00 p.m.?

Dave Maddison expressed his support for changing the regular meeting time to 6:00 p.m. in the interest of concluding earlier in the evening. Laurie Schmidt suggested starting the meeting at 6:00 p.m. with Board Business. It may be more convenient for subdividers and others to come a little later in the evening.

**MOTION: To start Planning Board meetings at 6:00 p.m. and amend agenda to begin with Board Business and have subdividers on agenda at 7:00 p.m. or later. Moved by:** Ann Schwend. **Seconded by:** Dave Maddison. **All voted aye.**

### Planning Board Member Reports

President Olson and Eileen Pearce will not be able to attend the Planning Board meeting in June.

President Olson mentioned that he would like to see future Board discussion on the possibility of zoning in Big Sky. Zoning might be a more effective way of managing the growth, than the Big Sky Water and Sewer Board's current system of allocating SFE's (single family equivalents) for water and sewer.

### Planner Report

Doris mentioned that Patty Gude of the Sonoran Institute will be holding a follow-up growth projections public meeting at the Beaverhead County Courthouse in Dillon on May 10<sup>th</sup> from 1:00-3:00 p.m. She encouraged Planning Board members to think about which potential subdivision sites they would like to visit. Also, due to scheduling conflicts, Doris asked the Board if the May meeting could be changed to Tuesday, May 30<sup>th</sup> rather than May 22<sup>nd</sup>? There was consensus that May 30<sup>th</sup> would work fine. Staci mentioned that the Madison County now has its website up due to the hardwork of GIS/IT Coordinator Karen Brown. The website address is [www.madison.mt.gov](http://www.madison.mt.gov).

### Other

Planning Board field trips to recently proposed sites by the Planning Board should be scheduled for either May or June. There is a Rotary Club meeting in Twin Bridges on April 26<sup>th</sup> at 6:30 p.m. and everyone is invited to attend. Lane Adamson is a guest speaker at this meeting.

The meeting adjourned at 11:20 p.m. The next regular meeting of the Planning Board will be May 30<sup>th</sup> at 6:00p.m.

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William J. Olson, President

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Staci Beecher, Planner I